



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

October 13, 1998

Ms. Sandra D. Carpenter
School Attorney
Arlington Independent School District
1203 West Pioneer Parkway
Arlington, Texas 76013-6246

OR98-2415

Dear Ms. Carpenter:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 117949.

The Arlington Independent School District (the "district") received an open records request for the

[b]ackground driving record checks of all employees that are classified as Bus Drivers and any other employee who might drive a school bus. These records will include moving violations issued to employees.

You seek clarification of a prior ruling of this office that held that the driving records of school bus drivers are not excepted from required public disclosure pursuant to section 552.130 of the Government Code.

Section 552.130 of the Government Code provides as follows

(a) Information is excepted from [required public disclosure] if the information relates to:

- (1) a motor vehicle operator's or driver's license or permit issued by an agency of this state;
- (2) a motor vehicle title or registration issued by an agency of this state; or

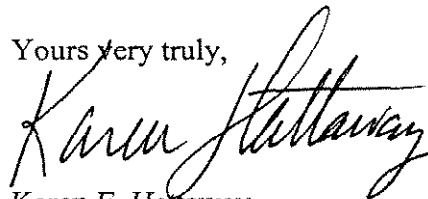
(3) a personal identification document issued by an agency of this state or a local agency authorized to issue an identification document.

(b) Information described by Subsection (a) may be released only if, and in the manner, authorized by Chapter 730, Transportation Code.

The information at issue consists of information described by section 552.130(a). In previous open records rulings, this office held that the public release of the same types of information at issue here is governed by section 552.130(b) in conjunction with chapter 730 of the Transportation Code because we believed school districts to be acting as an "agency of this state, or an authorized agent or contractor of an agency of this state, *that compiles or maintains motor vehicle records.*" Transp. Code § 730.003(1). (Emphasis added.) After further consideration, we no longer believe that such is the case.¹ Accordingly, we conclude that chapter 730 of the Transportation Code does not apply to school districts. Because the information at issue is excepted from public disclosure under section 552.130(a) of the Government Code, and is not subject to release under section 552.130(b), we conclude that the district must withhold the requested information pursuant to section 552.130(a).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,



Karen E. Hattaway
Assistant Attorney General
Open Records Division

KEH/KHH/RWP/ch

Ref.: ID # 117949

Enclosures: Submitted documents

¹We note that the question of whether a school district is a "motor carrier" for purposes of section 730.003(4) is no longer an issue because we find chapter 730 to be inapplicable to school districts.

cc: Mr. Randy Westerman
Channel 11 News
5233 Bridge Street
Fort Worth, Texas 76103
(w/o enclosures)